

E.A.S.Y. Curriculum: DABC law overview supplement for trainers

Utah is one of nineteen "control" jurisdictions, where the distribution of alcoholic beverages is controlled by state or county government, rather than private enterprise. In Utah, all packaged liquor is sold through state-owned or state-authorized outlets at prices set by the state.

Alcoholic beverages fall into two categories: liquor and beer. Liquor includes distilled spirits, wine and "strong" or "heavy" beer containing more than 3.2% alcohol by weight. The term beer and light beer mean all beer and beer based products that contain 3.2% or less of alcohol by weight.

In Utah, the retail sale of beer for off-premise consumption (general food stores, convenience stores, etc.) is regulated by incorporated cities and towns, and by counties outside of incorporated areas. These entities have the authority to license, tax, regulate, and prohibit the sale of beer for off-premise consumption.

The state legislature has established a basic alcoholic beverage policy. That policy is, to neither promote nor encourage the sale or consumption of alcoholic beverages, but to conduct, license and regulate the sale of such products so as to satisfy the public demand while protecting the public interest and rights of citizens who do not wish to be involved with such products. The state alcoholic beverage policy shall also promote the reduction of the harmful effects of over consumption of alcoholic beverages by adults and consumption of alcoholic beverages by minors.

Some state law general restrictions for off-premise beer retailers are:

- ▶ beer may not be sold in containers larger than two liters,
- ▶ a minor may not be granted a beer retailer license,
- ▶ a minor may not sell beer unless under the supervision of a person 21 years of age or older who is on the premises.
- ▶ if malt beverage coolers are sold, a sign must be posted stating: "Many malt beverages contain alcohol. Please read the label". A sign is not required if only beer and no other type of beer product is sold.
- ▶ The following forms of ID are acceptable for the purchase of alcoholic beverages in Utah: Valid driver license, valid official state ID card, Military ID with date of birth and picture, and a valid Passport.

Some other state law criminal offenses are:

- ▶ A person may not sell, offer to sell, supply, or furnish alcoholic products to an intoxicated person or a known interdicted person.
- ▶ A person who knowingly sells, offers to sell or supply, or furnishes alcoholic products to any person under the age of 21 years is guilty of a class A misdemeanor. Other sales to minors (i.e. negligently or recklessly) are class B misdemeanors.
- ▶ It is unlawful for any person under the age of 21 years to purchase, possess, or consume any alcoholic beverage or product except as otherwise provided by the Utah Code. A violation of this law is a class B misdemeanor.
- ▶ It is unlawful for any person to misrepresent his or her age, or for any other person to misrepresent the age of a minor, for the purpose of purchasing or otherwise obtaining an alcoholic beverage for a minor. A violation of this law is a class B misdemeanor.

Alcohol Training and Education is required of:

Every individual who is employed to:

- [A] Sell beer to a customer for off-premise consumption, or
 - [B] Directly supervise the sale of beer to a customer for off-premise consumption;
- must take and pass an Alcohol Training and Education Seminar every five years.

Subjects included in the training are:

- (a) Alcohol as a drug and its effect on the body and behavior;
- (b) Recognizing the problem drinker or signs of intoxication;
- (c) An overview of state alcohol laws related to responsible beverage sales; and
- (d) Dealing with problem customers including ways to terminate sales.